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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,386	01/04/2005	Stefan Karlsson	P15271-US1	3691

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EXAMINER	
WONG, XAVIER S	
ART UNIT	PAPER NUMBER
2416	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/502,386	KARLSSON, STEFAN	
	Examiner	Art Unit	
	Xavier Szewai Wong	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26th September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21,24-27,31-33,35 and 36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21,24-27,31-33,35 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 21, 27 and 31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 21 is objected to because of the following informalities: line 8, add -- resulting -- after "said received."

Regarding claim 31, the phrase "*adapted to*" in line *3* renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 33 is objected to because of the following informalities: add -- Intelligent Network / Customized Applications for Mobile network Enhanced Logic -- before "IN/CAMEL".

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21, 24 – 27, 31, 32 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitts et al (US 6865262 B1, Mitts).

Claim 21: Mitts shows a method for determining rating data services in a communications network (*abstract*: calculation of advice of charge), comprising the steps of:

accessing data associated with a service or a subscriber (col. 6 lines 44-52: AoC-I adapted to received changed parameter values... during a call...use the changed values; fig. 2: AoC-I);

sending a rating request (e.g. service request: col. 6 lines 55 & 59; fig. 3: message 3-8; col. 7 lines 31-34: SCP-2 requests in messages 3-8), including said accessed data (e.g. message 3-3 in col. 6 line 65 – col. 7 line 3: message 3-3 loads price definition), to a distributed rating means (e.g. service control point 1 in fig. 2: SCP-1) for distributed rating based on distributed rating data related to said service or subscriber (col. 7 lines 30-34: price definition… calculation parameter values… to provide the service);

receiving resulting rating data from said distributed rating means (col. 7 lines 44-45: SCP-2/EE receives the parameter values it requested in message 3-10); and,

determining a rating value for charging said subscriber based on said received rating data (col. 7 lines 51-52: SCP-2 starts calculating the advice of charge);

wherein said distributed rating means is operated by a service provider, content provider, or value added service provider (col. 5 lines 50-55: serving network SN... service provider interface 2; fig. 1: SCP-1 = distributed rating means, SP = service provider);

wherein said rating request is sent from central rating means (SCP-2) operated by a network operator (col. 3 lines 41-44: *SN (SCP-2) network operator*; col. 7 lines 31-34: SCP-2 requests in messages 3-8); and,

wherein the service provider, content provider or value added service provider and the operator maintain and control separate domains (col. 3 lines 41-43: *separates* a service provider SP and a network operator; fig. 1: SN = operator domain, SP = provider domain).

Claim 27: Mitts shows a method for determining rating data for services in a communications network (*abstract*: calculation of advice of charge), comprising the steps of:

receiving data associated with a service or subscriber from central rating means (fig. 2: AoC-I – *Central Rating Means* = SCP-2/EE); and,

accessing and determining rating data for said service or subscriber based on distributed rating data related to said service or subscriber (e.g. message 3-3 in col. 6 line 65 – col. 7 line 3: message 3-3 loads price definition) and on said received data for transmission to said central rating means (col. 7 lines 30-34: calculation parameter values… to provide the service; fig. 3: message 3-3 from SCP-1 *to SCP-2*);

wherein said distributed rating data is accessed and determined by distributed rating means (col. 6 line 66 – col. 7 line 3: SCP-1 loads price definition; fig. 2: SCP-1 – *distributed rating means*);

wherein said distributed rating means is operated by a service provider, content

provider, or value added service provider (col. 5 lines 50-55: serving network SN... service provider interface 2; fig. 1: SCP-1 = distributed rating means, SP = service provider);

wherein said central rating means (SCP-2) is operated by a network operator (col. 3 lines 41-44: *SN* (*SCP-2*) network *operator*; col. 7 lines 31-34: SCP-2 requests in messages 3-8); and,

wherein the service provider content provider or value added service provider and the operator maintain and control separate domains (col. 3 lines 41-43: *separates* a service provider SP and a network operator; fig. 1: SN = operator domain, SP = provider domain).

Claim 31: Mitts shows a distributed rating system for determining rating data for pre-paid services in a communications network (*abstract*: calculation of advice of charge), comprising:

central rating means (fig. 1: SCP-2 as a service control point) including a computer apparatus (fig. 2: EE – execution environment) adapted to:

access service data associated with a service or subscriber (col. 6 lines 44-52: AoC-I in SCP-2/EE adapted to received changed parameter values... during a call...use the changed values; fig. 2: AoC-I);

send a rating request (e.g. service request: col. 6 lines 55 & 59; fig. 3: message 3-8; col. 7 lines 31-34: SCP-2 requests in messages 3-8), including said accessed data (e.g. message 3-3 in col. 6 line 65 – col. 7 line 3: message 3-3 loads price definition), to a distributed rating means (e.g. service control point 1 in fig. 2: SCP-1) for distributed rating based on distributed rating data related to said service or subscriber (col. 7 lines 30-34:

price definition… calculation parameter values… to provide the service);

receive resulting rating data from said distributed rating means (col. 7 lines 44-45: SCP-2/EE receives the parameter values it requested in message 3-10); and determine a rating value for charging a pre-paid account of said subscriber based on said received rating data (col. 7 lines 51-66: SCP-2 starts *calculating* the *advice of charge*… charging *prepaying* subscribers);

wherein said distributed rating means is operated by a service provider, content provider, or value added service provider (col. 5 lines 50-55: serving network SN... service provider interface 2; fig. 1: SCP-1 = distributed rating means, SP = service provider);

wherein said central rating means is operated by a network operator (col. 3 lines 41-44: *SN* (*SCP-2*) network *operator*; col. 7 lines 31-34: SCP-2 requests in messages 3-8); and,

wherein the service provider, content provider or value added service provider and the operator maintain and control separate domains (col. 3 lines 41-43: *separates* a service provider SP and a network operator; fig. 1: SN = operator domain, SP = provider domain).

Claim 24: Mitts further teaches the step of determining pre-rating data (col. 7 lines 1-3: loads price definition; col. 7 lines 30-34: calculation parameter) before the step of sending said data request (col. 7 lines 30-34: SCP-2 *requests* in message 3-8… calculation parameter values).

Claim 25: Mitts further teaches the step of determining final-rating (col. 7 lines 57-65: messages 3-13 & 14 advice of charge when call has ended) data before the step of charging said account (col. 7 lines 45-50: send the possibly charging parameter value).

Claim 26: Mitts further teaches wherein said rating value is determined based on said pre-rating data (col. 7 lines 1-3: loads price definition; col. 7 lines 30-34: calculation parameter), distributed rating data from said distributing means (col. 7 lines 44-48: parameter stored in 3-11 in *SCP-2*, the *distributing means*), and final-rating data (col. 7 lines 57-65: messages 3-13 & 14 advice of *charge* when call has *ended*).

Claim 32: Mitts further teaches that the distributing rating system is a mobile communication system (col. 2 lines 60-66: Global System for Mobile Communication GSM).

Claim 36: Mitts further discloses resulting rating data is in cost per time unit or data volume, per event, per content, a set of tariff data including cost, duration/volume, time/volume interval or a specific scaling factor (col. 6 lines 23-25 & 45-47: advice of charge = price/second data).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitts et al (US 6865262 B1, Mitts) in view of Granberg (US 6195543 B1).

Claim 33: Mitts discloses the claimed invention yet does not specifically mention the system is an IN/CAMEL system. Granberg teaches an advice of charge system

using IN/CAMEL (col. 4 line 10: CAMEL/IN; col. 7 lines 13-20 & 53-54: Intelligent Network IN… CAMEL, subscribes to a IN (CAMEL) based service). It would have been obvious to one of ordinary skill in the art when the invention was created to modify the system of Mitts to incorporate IN/CAMEL since both utilize advice of charge system and the advantage of IN/CAMEL is well-known for effective roaming by allowing no-prefix dialing or seamless MMS message access from abroad in the art of communication.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitts et al (US 6865262 B1, Mitts) in view of Martin et al (US 5909485 A, Martin).

Claim 35: Mitts discloses the distributed rating system yet not *very expressively* mentioned that it is an electronic commerce/payment service. Martin teaches an electronic commerce/payment service [for a telephone calls prepayment service] (col. 2 lines 30-35). It would have been obvious to one of ordinary skill in the art when the invention was created to incorporate electronic commerce/payment service as taught by Martin to the distributed system of Mitts to allow convenient bill paying online and avoid unpaid calls (col. 1 lines 9-12).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gnesda et al, US 2002/0072333 A1: billing a call according to a measured QoS level afforded by the call and specified in a SLA

Titus et al, US 7428510 B2: prepaid short messaging method wherein it is determined if a subscriber has enough account balance to deliver a complete short message

Wu, US 2003/0050041 A1: prepaid wireless remote access service wherein charge rates are monitored and prepaid account are updated based on different coverage areas

Lowe et al, US 6539082 B1: centralized billing system

Lundström, WO 01/11859 A1: tariff determination in a mobile network

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, this action is made FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is 571.270.1780.

The examiner can normally be reached on Monday through Friday 8:30 am - 6:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571.272.3174. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800.786.9199 (IN USA OR CANADA) or 571.272.1000.

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10th December 2008

/Ian N. Moore/
Primary Examiner, Art Unit 2416